

Message Text

CONFIDENTIAL

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ACTION AF-10

INFO OCT-01 ISO-00 HA-05 PM-05 NSC-05 SP-02 SS-15
CIAE-00 INR-10 NSAE-00 TRSE-00 IO-13 /066 W
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P R 111405Z AUG 78
FM AMEMBASSY GABORONE
TO SECSTATE WASHDC PRIORITY 2916
INFO AMCONSUL JOHANNESBURG
AMEMBASSY MASERU
AMEMBASSY MBABANE
AMEMBASSY PRETORIA

C O N F I D E N T I A L GABORONE 2538

E.O. 11652: GDS
TAGS: PINT SHUM SF BC
SUBJ: DETENTION OF ANGLICAN DEAN MICHAEL MOLALE

REF: GABORONE 2537 AND PREVIOUS (NOTAL)

1. ANGLICAN DEAN FOR BOTSWANA MICHAEL MOLALE ASKED TO SEE ME ON "IMPORTANT" BUSINESS AUG 11. HIS PURPOSE WAS TO ASK OUR ASSISTANCE IN CONTACTING A QUALIFIED LAWYER IN JOHANNESBURG WHO MIGHT BE WILLING TO SERVE AS MOLALE'S ATTORNEY IN BRINGING CHARGES IN COURT AGAINST SOUTH AFRICAN GOVERNMENT. MOLALE SAID HE CAME TO US ON RECOMMENDATION OF "A FRIENDLY REPORTER" WHO IS CONVINCED MOLALE HAS A CASE AGAINST THE SAG AND KNEW USG HAD CONFIDENTIAL COMMUNICATIONS CHANNELS.

2. THE TWO CHARGES MOLALE WANTS TO BRING ARE: (A) VIOLATION BY SAG OF THE "INTERNATIONAL STATUS" OF THE "DEPARTURE LOUNGE" AT JAN SMUTS AIRPORT. HE WAS NOT CLEAR ON WHAT GIVES IT INTERNATIONAL STATUS BUT UNDERSTOOD THAT, WHILE SAG CAN PROHIBIT ENTRY OF ANYONE, SAG IS OBLIGED TO ALLOW TRANSIT PASSENGERS (IF THEY ARE UNARMED) TO MAKE CONNECTING FLIGHTS;

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(B) SECOND QUESTION IS WHETHER TERRORISM ACT CAN BE INVOKED AGAINST CITIZEN OF A FOREIGN COUNTRY. MOLALE BELIEVES THAT, AS A CITIZEN OF BOTSWANA, SAG HAS NO LEGAL RIGHT TO DETAIN HIM.

3. MOLALE SAID HE KNEW SEVERAL LAWYERS IN JOHANNESBURG WHO WOULD HAVE HIS CONFIDENCE AND TRUST AND WHO HE HOPES MIGHT BE

WILLING TO BRING CHARGES. THE FIRST NAME HE MENTIONED WAS MR. QOAKER; SECOND IS MR. CHETTY, ALTHOUGH MOLALE DID NOT KNEW CHETTY WELL. HE COULD NOT RECALL NAME OF THE LAWYER WHO HAD SUCCESSFULLY TAKEN DONALD WOOD'S CASE (UNSPECIFIED) TO SOUTH AFRICAN COURTS AND WON ON GROUNDS THAT WOOD HAD UK PASSPORT.

4. COMMENT: UNLESS DEPARTMENT PERCEIVES OBJECTION, REQUEST CONGEN JOHANNESBURG CONVEY MOLALE'S REQUEST TO MR. QOAKER AND ASCERTAIN WHETHER HE IS WILLING TO TAKE THE CASE AND LET US KNOW HIS RESPONSE.
NORLAND

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